

UNITED STATES DISTRICT COURT
Western District of Washington

UNITED STATES OF AMERICA

V

PATRICK MICHAEL CUNNINGHAM

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number CR01-346R

OLAF HANSEN
Assistant Attorney
General
DEPT. OF WASHINGTON

Deputy Clerk

THE DEFENDANT.

X pleaded guilty to a two-count Superseding Information on May 9, 2002

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty

Title & Section	Nature of Offense	Date Offense Concluded	Count Number
18 U.S.C. § 247(a)(2) and (d)(3)	Attempted Obstruction of Free Exercise of Religious Beliefs	September 13, 2001	
18 U.S.C. § 924(c)(1)(A)(i)	Use of a Firearm in Relation to a Crime of Violence	September 13, 2001	

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

The five-count indictment dated 9/26/01 is dismissed on the motion of the United States

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No. 062-40-9125

Defendant's Date of Birth January 21, 1948

Defendant's USM No. 31314-086

Defendant's Residence Address

21109 Echo Lake Road

Snohomish, WA 98296

Defendant's Mailing Address

FDC Seatac

DONALD M. CURRIE

Assistant United States Attorney

December 17, 2002

Date of Imposition of Sentence

Signature of Judicial Officer

THE HONORABLE BARBARA JACOBS ROTHSTEIN
United States District Judge

Name & Title of Judicial Officer

Date



CR 01-00346 #00000046

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IMPRISONMENT

As to Count One of the Superseding Information, the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 months. As to Count Two of the Superseding Information, the defendant is committed to the custody of the United States Bureau of Prisons for a term of Five (5) Years, to run consecutive to the term imposed on Count One

The defendant shall receive full credit for two weeks spent in state BYR custody.

☒ The court makes the following recommendations to the Bureau of Prisons.

THE COURT RECOMMENDS PLACEMENT AT FCI SHERIDAN. BYR

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district

☐ at ☐ a.m./p.m. on _____
☐ as notified by the United States Marshal

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office

RETURN

I have executed this judgment as follows:

Defendant delivered on 03/13/03 to FCI SHE at Sheridan, OK, with a certified copy of this judgment

Charles A. Daniels, Warden
~~United States Marshal~~

By.

Joel WIE
~~Deputy U.S. Marshal~~

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
Five (5) Years

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons

The defendant shall not commit another federal, state, or local crime

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer

___ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

XX The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check if applicable)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

SEE ATTACHED SPECIAL CONDITIONS OF SUPERVISION

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer 10 days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol, and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement

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ADDITIONAL SUPERVISED RELEASE TERMS

- 1 The defendant shall be prohibited from possessing a firearm or destructive device as defined in 18 U.S.C. § 921.
- 2 The defendant shall submit to mandatory drug testing pursuant to 18 U.S.C. § 3563(a)(5) and 18 U.S.C. § 3583(d). YES X NO
- 3 The defendant shall participate as instructed by his U.S. Probation Officer in a program approved by the probation office for treatment of narcotic addiction, drug dependency or substance abuse, which may include testing to determine if he has reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of alcohol and/or other intoxicants during the term of supervision
- 4 The defendant shall submit to a search of his person, residence, office, property, or vehicle conducted in a reasonable manner and at a reasonable time by a probation officer.
- 5 The defendant shall participate as directed in a mental health program approved by the United States Probation Office. *? INCLUDING AN ANGER MANAGEMENT PROGRAM,*
- 6 Restitution in the amount of \$978.00 is due immediately. Any unpaid amount is to be paid during the period of supervision as directed by defendant's U.S. Probation Officer. Interest on restitution shall be waived
- 7 The defendant shall provide his probation officer with access to any requested financial information, including authorization to conduct credit checks and obtain copies of defendant's Federal Income Tax Returns.

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The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS:	\$200 00	\$0.00	\$978.00

_____ If applicable, restitution amount ordered pursuant to plea agreement \$ _____

FINE

XX The Court finds that the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

The above fine includes costs of incarceration and/or supervision in the amount of \$ _____

INTEREST

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

XX The court has determined that the defendant does not have the ability to pay interest and it is ordered that

XX The interest requirement is waived.

_____ The interest requirement is modified as follows.

RESTITUTION

_____ The determination of restitution is deferred until _____ An Amended Judgment in a Criminal Case will be entered after such determination

X The defendant shall make restitution to the following payees in the amounts listed below

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Issa Qandeel 13730 15th Ave NE #E103 Seattle, WA 98125	\$978.06	\$978.00	
Totals:	\$978.06	\$978.00	

X The court has determined that the defendant does not have the ability to pay interest and it is ordered that

X The interest requirement is waived.

_____ The interest requirement is modified as follows:

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996

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SCHEDULE OF PAYMENTS

Payments shall be applied in the following order (1) assessment, (2) restitution; (3) fine principal, (4) cost of prosecution, (5) interest, (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A XX in full immediately, or
- B \$ immediately, balance due (in accordance with C, D, or E); or
- C not later than , or
- D in installments to commence day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U S probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E in (*e g , equal, weekly, monthly, quarterly*) installments of \$ over a period of year(s) to commence day(s) after the date of this judgment

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

XX MAKE CHECK(S) FOR ALL CRIMINAL MONETARY PENALTIES, INCLUDING SPECIAL ASSESSMENTS, FINES, AND RESTITUTION, PAYABLE TO

United States District Court Clerk, Western District of Washington. For restitution payments, the Court is to forward money received to Issa Qandeel. See address on page 5 of this Judgment.

 The defendant shall pay the cost of prosecution.

 The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States Attorney.